

**IN THE COURT OF APPEALS**  
**FIRST APPELLATE DISTRICT OF OHIO**  
**HAMILTON COUNTY, OHIO**

IN RE: A.C. : APPEAL NO. C-170079  
: TRIAL NO. F14-1108z  
:  
: *JUDGMENT ENTRY.*

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Appellant mother appeals the Hamilton County Juvenile Court’s judgment adopting the magistrate’s decision which granted permanent custody of her child, A.C., to the Hamilton County Department of Job and Family Services (“HCJFS”). Mother now argues that the juvenile court’s decision terminating her parental rights as to A.C. was contrary to the manifest weight of the evidence. We conclude otherwise and affirm the juvenile court’s judgment.

In June 2014, Mother agreed with HCJFS’s request for interim custody of A.C. and his half-brother to HCJFS, and both were placed with their maternal grandmother. HCJFS prepared a case plan. In July, the court adjudicated A.C. abused and dependent and his half-brother dependent, and granted HCJFS’s motion for temporary custody with the goal of achieving reunification with a parent by January 2015. Mother stipulated that she had used excessive physical discipline on A.C. such as punching and choking him. In August 2014, the children were placed in foster care due to concerns about their grandmother’s marijuana use and her home having been without electricity for an extended period of time due to nonpayment. HCJFS moved to extend temporary

custody of both children in May, October, and November 2015, which the court granted each time. In April 2016, HCJFS moved to modify temporary custody to permanent custody for A.C. after the court awarded custody of A.C.'s half-brother to the biological father. After holding a hearing, the court awarded permanent custody of A.C. to HCJFS in September 2016.

In reviewing a challenge to the weight of the evidence, we determine whether the evidence on each element satisfies the clear-and-convincing standard burden of persuasion. *In re A.B.*, 1st Dist. Hamilton Nos. C-150307 and C-150310, 2015-Ohio-3247, ¶ 15, citing *Eastley v. Volkman*, 132 Ohio St.3d 328, 2012-Ohio-2179, 972 N.E.2d 517, ¶ 19. We weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine whether in resolving conflicts in the evidence, the juvenile court clearly lost its way and created such a manifest miscarriage of justice that the judgment must be reversed and a new trial ordered. *Eastley* at ¶ 12.

Before terminating parental rights, the juvenile court must find by clear and convincing evidence that one of the four conditions listed in R.C. 2151.414(B)(1)(a)-(e) applies and that, in considering the factors set forth in R.C. 2151.414(D), placing the child in the permanent custody of HCJFS is in the child's best interests. *In re W.W.*, 1st Dist. Hamilton Nos. C-110363 and C-110402, 2011-Ohio-4912, ¶ 48.

In this case, it is undisputed that the condition set forth in R.C. 2151.414(B)(1)(d) was met because A.C. had been in the temporary custody of HCJFS for more than 12 months of a consecutive 22-month period. Therefore, we focus our analysis on the best-interest determination. In assessing the best interest of a child, "the court shall consider all relevant factors," including (1) the child's interactions and relationships with parents, siblings, relatives, foster caregivers, out-of-home providers, and any other person who may significantly affect the child, (2) the wishes of the child, as expressed by the child or through the child's guardian ad litem, (3)

the custodial history of the child, (4) the child's need for a legally secure permanent placement and whether that type of placement can be achieved without a grant of permanent custody, and (5) whether any of the factors in R.C. 2151.414(E)(7)-(11) apply in relation to the parents and the child. R.C. 2151.414(D)(1)(a)-(e).

We conclude that the juvenile court did not err in determining that granting permanent custody to HCJFS was in A.C.'s best interest. The court considered A.C.'s custodial history, his guardian ad litem's recommendation, his need for legally secure permanent placement, his interactions and relationship with his mother, and his special needs. The R.C. 2151.414(E)(7)-(11) factors did not apply. The court noted that, despite her compliance with HCJFS's reunification plan, Mother still has unresolved chronic mental illness; she continues to hear voices and have vivid dreams of her children in distress. At the time of disposition, Mother had no job or verifiable source of income.

After reviewing the record, we cannot say that the juvenile court lost its way when evaluating the evidence. We overrule Mother's sole assignment of error and affirm the trial court's judgment.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**ZAYAS, P.J., MYERS and MILLER, JJ.**

To the clerk:

Enter upon the journal of the court on May 31, 2017

per order of the court \_\_\_\_\_.

Presiding Judge